

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE LITIGATION) MDL No. 1456
) Master File No. 01-CV-12257-PBS
) Subcategory Case. No. 06-11337
)
) Hon. Patti B. Saris
THIS DOCUMENT RELATES TO:)
)
United States of America ex rel. Ven-A-Care of the)
Florida Keys, Inc., et al. v. Dey, Inc., et al.,)
Civil Action No. 05-11084-PBS)
)

**DEY DEFENDANTS' MOTION IN LIMINE
TO EXCLUDE THE OPINIONS OF MARK DUGGAN, PH.D.**

Defendants Dey Pharma, L.P. (formerly known as Dey, L.P.), Dey, Inc., and Dey L.P., Inc. (collectively “Dey”) respectfully move this Court to exclude from evidence all of the reports, opinions, and testimony of Mark Duggan, Ph.D., Plaintiffs’ purported expert witness. The grounds for this Motion are set forth in the accompanying Memorandum of Law.

In support of this Motion, Dey submits the following: (1) Defendants’ Memorandum of Law in Support of their Motion *In Limine* to Exclude the Opinions of Mark Duggan, Ph.D.; and (2) Declaration of Marisa A. Lorenzo in Support of Defendants’ Motion *In Limine* to Exclude the Opinions of Mark Duggan, Ph.D.

Dated: March 22, 2010

Respectfully Submitted,

KELLEY DRYE & WARREN LLP

By: /s/ William A. Escobar
Paul F. Doyle (BBO # 133460)
Sarah L. Reid (*pro hac vice*)
William A. Escobar (*pro hac vice*)
Neil Merkl (*pro hac vice*)
Philip D. Robben (*pro hac vice*)
101 Park Avenue
New York, New York 10178
Telephone: (212) 808-7800
Facsimile: (212) 808-7897

-and-

Martin F. Murphy (BBO # 363250)
Robert E. Toone, BBO #663249
FOLEY HOAG LLP
155 Seaport Boulevard
Boston, Massachusetts 02110
Telephone: (617) 832-1000
Facsimile: (617) 832-7000

Attorneys for Defendants Dey Pharma, L.P., Dey L.P., Inc., and Dey, Inc.

LOCAL RULE 7.1 CERTIFICATION

I certify that counsel have conferred pursuant to Local Rule 7.1(a)(2).

/s/ William A. Escobar
William A. Escobar

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending on March 22, 2010, a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ William A. Escobar
William A. Escobar